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Written statement* submitted by the European Bureau for Lesser Used Languages (EBLUL), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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ELEN-EBLUL statement to the U.N. Human Rights Council on discrimination and attacks on non-Castilian language speakers in the Spanish state

During the last few years several public institutions of the Kingdom of Spain have launched a political offensive against non-Castilian languages (Catalan, Galician, Basque which enjoy an official status, and Aragonese and Asturian which do not). In all cases, these policies and the various legislative and administrative initiatives are carried out by the governing Popular Party, which is one of Spains' two major parties in both the central government and in most autonomous regions and local authorities.

The organisations engaged in defending these languages and the media have regularly highlighted these cases of linguistic discrimination at the national and international level.

The cases involve different degrees of severity, but all of them signal an utterly low level of linguistic respect for speakers of non-Castilian languages as well as constituting clear violations of the Human Rights of those citizens. The disrespect and contempt against non-Castilian-speaking people is regretfully common practice among Spanish civil servants and authorities, in spite of the official status of the languages (when there is one), and against all the international treaties and conventions signed and ratified by the Kingdom of Spain.

Catalan

The Catalan language NGO, Plataforma per la llengua, prepared a report containing 40 cases of serious linguistic discrimination committed by public authorities against Catalan-speaking that have taken place in the Catalan-speaking territories between 2007 and the first four months of 2013.[1] Unfortunately, the cases reported are but a part of the totality of the linguistic discrimination that actually occurs, since in many cases the victims of such illegal abuse never report it and nor do they reach the organisations that work to protect the language, or the media. In this regard, the cases described are merely the visible part of a much broader problem that clearly shows up that the supremacist attitudes are common among Spanish civil servants and authorities.

It is worth noting that the vast majority of the cases of linguistic discrimination analysed occurred in organisations or institutions that depend directly on the central State administration (more than 80% of all cases). This is especially serious since the central government is ultimately responsible for enforcing state laws, the Statutes of Autonomy and the international conventions signed and ratified by Spain, such as the European Charter for Regional or Minority Languages, the Framework Convention for the Protection of National Minorities and the Lisbon Treaty, with its attached Charter of Fundamental Rights, which prohibits discrimination on the grounds of language.

Catalan-speaking citizens are thus placed in an extremely vulnerable position since they can do nothing else but report the abuses they receive to the very same institutions that are conducting the abuse.

Referring to the Plataforma Report, it is important to clearly state that the linguistic component is just a part of the human rights violations reported, which could also be fairly considered as acts of xenophobia (cases 2, 10 and 12), physical abuse (cases 6, 9, 26, 29 and 38), humiliation and harassment (cases 1,3,4,5,8,14,18,19,22,25,37,39 and 40) or of damaged interests and violation of legal guarantees (cases 11,13,15,16,17,20,21,23,24,27,28 and 30-36). The two most physically violent assaults occurred in airport facilities, where two people were beaten by officers of the security forces for speaking Catalan (cases 9 and 26). Some cases have even involved the denial of medical care (cases 23, against a 80 year-old woman).

[1] https://www.plataforma-llengua.cat/media/assets/4146/The_catalan_case.pdf

At the courts, which should stand as guarantors for human rights, the situation is particularly serious. A judge took the custody of a daughter away from her father by alleging that he spoke to her in Catalan to separate her from her mother (case 34). Going even further, another judge took a girl's custody away from her mother because she moved to Catalonia and the judge considers that living in a place with two official languages is (literally) 'dangerous'[2]. Neither the judges nor their clearly supremacist opinions have been challenged by any Spanish legal authority.

In Valencia less than one third of the population are able to access Catalan medium education. In 2014 the Conselleria (Ministry) of Education closed 151 Catalan medium units against the wishes of the families, and removed more than 4,000 vacancies in Catalan. At the same time they have opened units in Castilian-Spanish for just four students in the city of Valencia. It has to be stressed that these policies have been enforced in spite of the recommendations derived from the ECRML second evaluation report (paragraphs 866-871), in which the Committee of Experts considered, in the light of the undertakings entered into by Spain, i.e. the highest under Article 8, that these were only partly fulfilled. It urged the competent authorities to develop educational models essentially in Valencian for the whole primary school curriculum as well as for secondary school.

In the Balearic Islands the situation has severely worsened since the current President, Mr. Bauzá, took government. As an example of the conflict between the Balearic Government (People's Party) and the education community (parents as well as teachers and students), Professor Jaume Bonet went on hunger strike in order to compel President Bauzà to accept a dialogue with educators that defend a quality public school system taught in the Catalan language. In the Public Administration they have gone so far as to revoke the compulsory knowledge of Catalan for new civil servants.

Basque

For the Basque language the most problematic area (although not exclusively) is the Community of Navarre. It's difficult to understand why Navarre (600,000 inhabitants and 10,421 sq Km) has to be divided into three linguistic areas. Moreover, Pamplona (Iruñea), the capital, where most major services are located, is in the mixed language area and thus Basque is not the official language of the capital and Basque-speaking citizens cannot exercise their linguistic rights when using public services. There are two different categories of citizens in Navarre: the Spanish-speaking ones who have full linguistic rights across the whole territory and Basque-speaking citizens who do not.

Education is an important sector in which linguistic rights of children are systematically violated. In Navarre hundreds of children have to cover thousands of miles a year in order to access courses in Basque, just because they live in an area where the law does not recognize the right to study in the native language of the territory.

An especially serious case has arisen recently when the media disclosed that the Guardia Civil (Spanish police force) had prepared a report based on tracking 1,652 people who serve as Basque language teachers in Navarre aimed at revealing every possible spurious connection with any of the illegal Basque political or social organizations. The continuous intent to associate the Basque language with terrorism is completely unacceptable in a democracy.

Nevertheless, the violation of Basque-speaking citizens' rights are not restricted to Navarre. In Donostia -San Sebastian, a citizen who had asked the administrative court to conduct proceedings in Basque saw his trial delayed for 274 days. Near Bilbao, the court of Getxo rejected all the documents provided by a citizen in Basque language and let him know that the court would not take them into account because he didn't present the document in Spanish. Meanwhile, a young man was tried for addressing a Guardia Civil in Basque, so equating the use of an official language with disrespecting or attacking an authority.

Galician

[2] http://ccaa.elpais.com/ccaa/2014/03/26/catalunya/1395862339_860105.html

Public administration is the one area hardest hit by the recent setbacks affecting the Galician language, partly because it is the main sector responsible for protecting and promoting the language, but also because the Spanish and Galician governments are either failing to implement measures designed to protect the Galician language or actively applying measures leading to a clear regression.

Formal education is one of the main causes behind the rapid drop in the number of Galician speakers. The repeal of the Decree approved in 2007 intended to ensure the presence of Galician on a par with Spanish as a language of instruction in primary and secondary education, replaced by the so-called Decree on Multilingualism (which, in theory, reduces Galizan to one third, although, in practice, in most schools the actual number of subjects taught in Galizan is considerably lower) marked a turning-point, in that as it was the current Galician government which passed legislation which openly went against the language it is supposedly bound to protect and promote, as confirmed by the Committee of Experts of the Council of Europe in its last report regarding the application of the ECRML. Not only does the Decree effectively reduce the presence of Galician in schools, but actively bans the teaching of certain subjects in Galician, such as mathematics and scientific and technical subjects, for the first time since the end of Franco's dictatorship.

At the same time, it is also currently impossible to ensure teaching in Galician in pre-primary, primary and secondary education, with the legislation passed by the State, namely the Bill for Improving Quality in Education, leading to a serious situation of inferiority for the co-official languages within the core curriculum as of the upcoming academic year, as well as providing families who so wish with the possibility to opt for education solely in Spanish.

Justice is also an area of conflict in which the rulings in the ECRML have been systematically breached. Galician accounts for no more than 5% of all of the legal notifications and resolutions, and the widespread denial of citizens' rights to use the Galician language in their dealings with the judicial system is further aggravated by the refusal on the part of the majority of the judiciary and the public prosecutor to use Galician while carrying out their duties.

Healthcare is another field where it has become increasingly difficult for citizens to be assisted in their chosen language since the People's Party came to power in the Galician government, e.g. failing to provide patients with a Galician-language version of medical consent forms or, in the most dramatic cases, are asked not to speak Galician at their own home by a family doctor (26/07/2012), or forced to postpone tests because of having requested the documentation in Galician (03/04/2013).

Conclusions

1. Spanish authorities either encourage or at least openly tolerate supremacist attitudes among civil servants and other officials and agents.
2. The judiciary, police, education, and health care public systems, are permeable to these non-egalitarian attitudes.
3. Discrimination by mother tongue is a common practice in Spain, even when there are laws theoretically protecting the linguistic rights of citizens speaking their own -official or not- languages.
4. The rights recognized by the following international treaties are frequently and systematically violated by Spanish authorities, they include: Universal Declaration of Human Rights (Art. 7); International Covenant on Civil and Political Rights (Arts. 2, 14, 26 and 27); Convention on the Rights of the Child (Arts. 29 and 30); Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Art. 1); Universal Declaration on Cultural Diversity; Convention on the Protection and Promotion of the Diversity of Cultural Expressions; Fribourg Declaration on Cultural Rights; The Hague Recommendations Regarding the Education Rights of National Minorities (Recommendation 4); Framework Convention for Protection of National Minorities (Arts. 4, 10 and 26); European Charter for the Regional or Minority Languages (Arts. 8, 9 and 10); Convention for the Protection of Human Rights and Fundamental Freedoms (Arts. 5, 6 and 14)

5. These attitudes frequently translate into abusive and totally inappropriate behaviour.
6. The courts which should protect all citizens equally are prone to adopt the very same supremacist attitudes leaving non-Castilian-speakers vulnerable. Clearly, the search for justice through (hostile) domestic courts has become exhausted which gives grounds for an appeal to the ECtHR and the ECJ and possibly the Hague, as well as a call for the EU to open infringement proceedings against Spain.
7. Considering the large amount of detailed evidence from many different areas it can be concluded that **discrimination against the autochthonous non-Castilian languages is systemic within the Spanish state system, and that this discrimination has become institutionalised.**

Further action

- ELEN-EBLUL finds that the autochthonous language based discrimination in the Spanish state against languages that are all co-official (except for Aragonese and Asturian) is completely unacceptable and must cease with immediate effect.
- ELEN calls upon the UN HRC, supported by State Parties, to take the necessary steps immediately to call the relevant authorities in the Spanish state to account, and to take measures so as to ensure that autochthonous language-based discrimination in the Spanish state is abolished.
- ELEN will be calling on the EU to open infringement proceedings against Spain for contravening EU standards against discrimination including the Charter for Fundamental Rights (Arts. 21, 22) and the Race Equality Directive.